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JUDICIARY COMMITTEE PUBLIC HEARING - JANUARY 28, 2009

Members of the Judiciary Committee. My name is John Del Vecchio and for the past 14 years I have been the Workers' Compensation Organizer for District 1199, New England Healthcare Employees Union, SEIU. Our Union represents about 20,000 members in Connecticut, including over 8,000 in State sector healthcare facilities and the remainder in private hospitals, nursing homes, mental health centers, mental retardation group homes, and other healthcare services.

Ironically, healthcare is a relatively hazardous occupational field. Many of our members are subject to assaults and restraints involving aggressive and violent clients, as well as numerous hazards relating to providing healthcare to patients, many of whom need physically demanding care.

As a result of this situation, many of our members sustain work-related injuries, often serious. It is my job to assist them with their compensation claims and represent them at Informal, Pre-Formal and Formal Hearings in all 8 workers' compensation districts.

It is in this capacity that I have appeared before all Commissioners hundreds of times, and I appreciate the opportunity to speak about the reappointment of three Commissioners today.

COMMISSIONER NANCY SALERNO

I have represented members before Commissioner Salerno many times in several different Districts involving a wide variety of issues. In all of my cases, I have the injured member actually sit in at the hearing where they have the opportunity to meet and speak with the Commissioner. In every single case Commissioner Salerno has displayed courtesy, patience, understanding and respect, but most of all, fairness. The claimants, who are often a bit nervous, are calmed by Commissioner Salerno's demeanor. After hearing the issues and arguments raised by both sides, she always suggests a well thought out resolution which is usually accepted by the parties, thus resolving the issues at hand.

Although I am not an attorney, Commissioner Salerno gives me every courtesy and consideration, and does not hesitate to inform a sometimes skeptical member that they are being well represented.

Her conduct and professionalism as a Commissioner is a credit to our Workers' Compensation system, and with her we get an extra bonus...she is fluent both in Spanish and Italian, and that can help in some cases where communication is strained.

As a person who has had thirty five years of experience in our workers' compensation system, I highly recommend her reappointment.

COMMISSIONER AMADO VARGAS

I have appeared before Commissioner Vargas literally hundreds of times, which over the years has resulted in a mutually respectful and effective relationship. Commissioner Vargas certainly has extensive knowledge of the law, but that is not his most important attribute. He also understands and appreciates the spirit of the law, and he uses his persuasive abilities to get both parties to bend a little and come up with a reasonable resolution of the issues at hand.

He has a tradition of starting each hearing off with the comments "How can I help" or "How can I be of service". He then expertly takes on the role of fact finder and mediator between the parties. He also always acknowledges the claimant, who after all, is why there is a hearing in the first place. He tries, usually successfully, to put the claimant at ease and he can easily do it if the claimant happens to be a sports buff. For in addition to compensation, this Commissioner knows his sports.

Commissioner Vargas has a good sense of humor, and he shares it with both parties, helping to cut any tension that might exist. Knowledge of the law is important--and he has that--but knowledge of people is more important, and he has that to.

It is my pleasure to recommend the reappointment of Commissioner Amado Vargas.

COMMISSIONER ERNIE WALKER

I first met Commissioner Walker 14 years ago when I had just started with 1199. At that time he was an Assistant Attorney General in the Workers' Compensation Unit, handling Pre-Formal and Formal Hearings for the State. I had the opportunity to work with on a few cases and found him to be very knowledgeable, articulate, professional, but most importantly from my perspective as a claimant representative, reasonable.

He brought all those attributes with him when he became a Commissioner, and a very demanding Commissioner at that. By that I mean Commissioner Walker has high expectations that both claimant and respondent representatives will properly and professionally represent their clients. He expects you to promptly identify for him the issues that need to be resolved, the arguments in question, and the documentation to support those arguments.

If you are not prepared accordingly, he will let you know---albeit in a kindly fashion. He'll also let you know what you need to do so that the next hearing becomes an opportunity for resolution.

First and foremost in his mind and his heart is the fair treatment of a legitimately injured worker--that is, after all, who the system is supposed to serve.

The longest compensation case I have ever had---13 years of representing a seriously injured State employee---was primarily before him. Through his extensive efforts the parties were able to permanently resolve this now retired employee's claim with a fair and substantial settlement.

I look forward to his reappointment as Commissioner.